IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 7383 of 1999

Between:

M.Satyanarayana S/o M.Ganganna,
R/o ChinnaTandrapadu, Ieeja Mandal,
Gadwal Tq, Mahabubnagar District.

..... PETITIONER

AND

1 A.P.State Road Transport Corporation, represendent by its Managing Director, Mushirabad, Hyderabad.
2 A.P.State Road Transport Corporation, represendent by its Regional Manager, Mahabubnagar Region, Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or Direction, particularly one in the nature of writ of Mandamus, declaring that the Order passed by the 2nd respondent in proceedings No.LC1/876(10)/99-RM:MBNR, dated 11-1-1999, rejecting the case of petitioner for absorption under the Displaced Employees for private operators as illegal, unjust, contrary to law, in violation of Articles 14, 16 and 21 of the Constitution of India, and grant all consequential benefits;

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.V.T.M.PRASAD, S.C. FOR APSRTC

The Court made the following ORDER:

This writ petition is filed seeking a *mandamus* to declare the order dated 11.01.1999 passed by the second respondent-State Road Transport Corporation, Mahaboobnagar, rejecting the case of the petitioner for absorption under the displaced employees quota, as arbitrary, illegal, contrary to the principles of natural justice and violative of Articles 14,16 and 21 of the Constitution of India.

It is the case of the petitioner that he worked as a cleaner with the bus owner one Sri K.Chinna Venkanna on the buses bearing Nos. APQ 1932 and APQ 3066, which operated from Ieeja to Macherla Via Baligera and from Macherla to Ieeja via Pulikal, Sindhanur and Uppal Camp. He stated that in view of the nationalization of the said routes, he became displaced. The first respondent-A.P. State Road Transport Corporation, Mushirabad, Hyderabad evolved a scheme to rehabilitate the displaced employees. He is also eligible for being appointed as a conductor, since he studied up to 10th Class but his case was not considered for absorption into the services of the Corporation. Therefore, he filed W.P.No.3578 of 1998 before this Court and the same was disposed of on 24.12.1998 directing the second respondent to consider his case. In pursuance of the said direction, his case was taken up. But, unfortunately,

again, by the impugned order dated 11.01.1999, it was informed that they have thoroughly verified the records and found that number of employees against each bus have already been absorbed based on the recommendations of the Selection Committee and there is no scope for absorption of any more personnel. Apart from the said fact that ban has been imposed for considering the displaced employees for absorption into services of the Corporation with effect from 15.05.1998. Hence, this writ petition.

A detailed counter-affidavit has been filed by the respondents denying the allegations made by the petitioner. It is asserted that the petitioner claims to have worked as a cleaner on those two displaced vehicles and when a list of employees was submitted by the owner of the displaced vehicles, it was shown that the petitioner worked as a cleaner and though the petitioner does possess the requisite educational qualification for absorption into the services of the Corporation as conductor, the question of considering the case of the petitioner against displaced employees quota for the post of conductor, does not arise since the requisite number of candidates were already absorbed. Further, one Mr.Abdul Nabi S/o.Rasool was considered against buses bearing Nos.APQ 1932 and APQ 3066, and selected for the post of cleaner as he was the senior to the petitioner. There are no further vacancies of cleaners against those two vehicles. Apart from the said fact, there is a ban imposed on absorbing the displaced employees with effect from 15.05.1998.

I have heard the respective submissions made by the learned counsel on either side and perused the material available on record.

At the outset, I am of the opinion that the respondents have not committed any error requiring interference of this Court into the impugned proceedings under Article 226 of the Constitution of India. It is categorically asserted that against those two buses, against which the petitioner claims employment, required number of people have already been appointed. Further one, Mr.Abdul Nabi was selected and appointed as cleaner against those two buses. At this stage, the question of considering the case of the petitioner as a cleaner or conductor, does not arise since the respondents have already absorbed the required number of conductors, drivers and the cleaners against those two buses. Therefore, the claim of the petitioner is without any substance. Further, as the respondents Corporation banned the recruitment of the displaced employees

with effect from 15.05.1998, the question of absorbing the petitioner into the services of the Corporation as cleaner or conductor does not arise. Hence, the writ petition is devoid of merit and the same is liable to be dismissed.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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08.07.2005

kdl

To

1. The Managing Director, A.P. State Road Transport Corporation, Managing Director, Mushirabad, Hyderabad.
2. The Regional Manager, A.P. State Road Transport Corporation, Mahabubnagar Region, Mahabubnagar.

3. 2 CD copies.